



## MENOMINEE INDIAN TRIBE OF WISCONSIN CHAIRMAN'S OFFICE

P.O. Box 910  
Keshena, WI 54135-0910

February 26, 2018

### VIA E-MAIL

Teresa Seidel  
Michigan Department of Environmental Quality  
P.O. Box 30458  
Lansing, Michigan 48909-7958

Dear Ms. Seidel,

The Menominee Tribe is in receipt of your January 19, 2018 letter. Every year the Tribe has an election to seat the Chairperson for the Menominee Tribe and your letter came during this time period of election and transition. I write to inform you that as a result of the election, I am the newly elected Chairman of the Menominee Tribe.

In response to your letter, I must start by reiterating that the Tribe believes that jurisdiction for the Clean Water Act Section 404 permitting process lies with the Army Corps of Engineers and the Environmental Protection Agency, not with the state of Michigan because the Menominee River was not, and could not have been, delegated to the State of Michigan.<sup>1</sup>

Despite this disagreement about jurisdiction, the Tribe accepts your offer to participate in a private government-to-government meeting with leaders from the MDEQ and looks forward to the opportunity to provide input directly to the leadership team within the MDEQ who are working on the Back Forty application. By agreeing to this meeting with Michigan, the Tribe does not waive its opposition to the Back Forty Mine or its opposition to the Michigan Section 404 permitting process. Furthermore, the Menominee Tribe, as a sovereign nation, does not regard this meeting as satisfying any federal environmental and historic preservation requirements regarding consultation. Additionally, in response to your inquiry, at this time, the Tribe prefers to have the meeting with Michigan separately from USEPA staff as the Tribe has been in communication with USEPA directly.

To move forward, the Menominee Tribe respectfully requests your staff coordinate with Menominee's Intergovernmental Affairs Manager, Melissa Cook (email: [mcook@mitw.org](mailto:mcook@mitw.org) and phone: (715) 799-5114) to address the following in advance of the meeting:

1. Determine a date upon which the meeting with Michigan DEQ will take place;
2. Determine a location where the meeting with Michigan DEQ will take place;
3. Determine and finalize a formal list of the names of people that will be in attendance in advance of the meeting;

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<sup>1</sup> 33 U.S.C. § 1344(g).

4. Determine and finalize a formal agenda with items for discussion in advance of the meeting.

We look forward to hearing from you in the near future.

Respectfully,



Douglas Cox  
Chairman  
Menominee Indian Tribe of Wisconsin

Cc:

Ms. Melissa Cook, Menominee Indian Tribe of Wisconsin Intergovernmental Affairs Manager  
Mr. Peter Swenson, USEPA, Region 5  
Mr. David Nyberg, Governor's Northern Michigan Office  
Mr. Dean Anderson, SHPO  
Mr. Michael McClellan, Environment Deputy Director, MDEQ  
Ms. Katherine Kruse, Tribal Liaison, MDEQ  
Mr. Curtis Sedlacek, U.S. Army Corps of Engineers, Detroit District